

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY MAY 30, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 346

Introduced by Senator Beall

February 20, 2013

An act to amend Section 10850 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 346, as amended, Beall. Public social services: records.

Existing law establishes various public social services programs to provide for protection, care, and assistance to the people of the state in need of those services, by providing appropriate aid and services to the needy and distressed. Counties are responsible for administering some of these programs, such as CalWORKs, CalFresh, and the Medically Indigent Services Program or the County Medical Services Program. Existing law, in this regard, and with some exceptions, requires all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of public social services for which grants-in-aid are received by this state from the federal government be kept confidential, and authorizes a county welfare department in the state to release lists of applicants for, or recipients of, public social services to any other county welfare department or the State Department of Social Services, as specified.

This bill would ~~provide that if a county administers public social services through more than one county department or agency, each county department or agency that administers a public social service in~~

~~that county shall be deemed a county welfare department for the purposes of these provisions.~~ *include in the definition of public social services publicly funded health care services, as specified. The bill would state that this provision clarifies existing law.* The bill would make other technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10850 of the Welfare and Institutions
2 Code is amended to read:

3 10850. (a) Except as otherwise provided in this section, all
4 applications and records concerning any individual made or kept
5 by any public officer or agency in connection with the
6 administration of any provision of this code relating to any form
7 of public social services for which grants-in-aid are received by
8 this state from the United States government shall be confidential,
9 and shall not be open to examination for any purpose not directly
10 connected with the administration of that program, or any
11 investigation, prosecution, or criminal or civil proceeding
12 conducted in connection with the administration of that program.
13 The disclosure of any information that identifies by name or
14 address any applicant for or recipient of these grants-in-aid to any
15 committee or legislative body is prohibited, except as provided in
16 subdivision (b).

17 (b) Except as otherwise provided in this section, no person shall
18 publish or disclose or permit or cause to be published or disclosed
19 any list of persons receiving public social services. Any county
20 welfare department in this state may release lists of applicants for,
21 or recipients of, public social services, to any other county welfare
22 department or the State Department of Social Services, and these
23 lists or any other records shall be released when requested by any
24 county welfare department or the State Department of Social
25 Services. These lists or other records shall only be used for
26 purposes directly connected with the administration of public social
27 services. Except for those purposes, no person shall publish,
28 disclose, or use or permit or cause to be published, disclosed, or
29 used any confidential information pertaining to an applicant or
30 recipient.

(c) Any county welfare department and the State Department of Social Services shall provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services, including any committee or legislative body so authorized, with access to any public social service applications and records described in subdivision (a) to the extent of the authorization. Those committees, legislative bodies, and other entities may only request or use these records for the purpose of investigating the administration of public social services, and shall not disclose the identity of any applicant or recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

(d) This section shall not prohibit the furnishing of this information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating this subdivision is guilty of a misdemeanor.

(e) In the context of a petition for the appointment of a conservator for a person who is receiving or has received aid from a public agency, as indicated above, or in the context of a criminal prosecution for a violation of Section 368 of the Penal Code both of the following shall apply:

(1) An adult protective services employee or ombudsman may answer truthfully at any proceeding related to the petition or prosecution, when asked if he or she is aware of information that he or she believes is related to the legal mental capacity of that aid recipient or the need for a conservatorship for that aid recipient. If the adult protective services employee or ombudsman states that he or she is aware of such information, the court may order the adult protective services employee or ombudsman to testify about his or her observations and to disclose all relevant agency records.

(2) The court may order the adult protective services employee or ombudsman to testify about his or her observations and to disclose any relevant agency records if the court has other

1 independent reason to believe that the adult protective services
2 employee or ombudsman has information that would facilitate the
3 resolution of the matter.

4 (f) The State Department of Social Services may make rules
5 and regulations governing the custody, use, and preservation of
6 all records, papers, files, and communications pertaining to the
7 administration of the laws relating to public social services under
8 their jurisdiction. The rules and regulations shall be binding on all
9 departments, officials and employees of the state, or of any political
10 subdivision of the state and may provide for giving information
11 to or exchanging information with agencies, public or political
12 subdivisions of the state, and may provide for giving information
13 to or exchanging information with agencies, public or private, that
14 are engaged in planning, providing, or securing social services for
15 or on behalf of recipients or applicants; and for making case records
16 available for research purposes, provided that making these case
17 records available will not result in the disclosure of the identity of
18 applicants for or recipients of public social services and will not
19 disclose any personal information in a manner that would link the
20 information disclosed to the individual to whom it pertains, unless
21 the department has complied with subdivision (t) of Section
22 1798.24 of the Civil Code.

23 (g) Any person, including every public officer and employee,
24 who knowingly secures or possesses, other than in the course of
25 official duty, an official list or a list compiled from official sources,
26 published or disclosed in violation of this section, of persons who
27 have applied for or who have been granted any form of public
28 social services for which state or federal funds are made available
29 to the counties is guilty of a misdemeanor.

30 (h) This section shall not be construed to prohibit an employee
31 of a county welfare department from disclosing confidential
32 information concerning a public social services applicant or
33 recipient to a state or local law enforcement agency investigating
34 or gathering information regarding a criminal act committed in a
35 welfare department office, a criminal act against any county or
36 state welfare worker, or any criminal act witnessed by any county
37 or state welfare worker while involved in the administration of
38 public social services at any location. Further, this section shall
39 not be construed to prohibit an employee of a county welfare
40 department from disclosing confidential information concerning

1 a public social services applicant or recipient to a state or local
2 law enforcement agency investigating or gathering information
3 regarding a criminal act intentionally committed by the applicant
4 or recipient against any off-duty county or state welfare worker in
5 retaliation for an act performed in the course of the welfare
6 worker's duty when the person committing the offense knows or
7 reasonably should know that the victim is a state or county welfare
8 worker. These criminal acts shall include only those that are in
9 violation of state or local law. Disclosure of confidential
10 information pursuant to this subdivision shall be limited to the
11 applicant's or recipient's name, physical description, and address.

12 (i) The provisions of this section shall be operative only to the
13 extent permitted by federal law and shall not apply to, but exclude,
14 Chapter 7 (commencing with Section 14000) of this division,
15 entitled "Basic Health Care," and for which a grant-in-aid is
16 received by the state under Title XIX of the federal Social Security
17 Act (42 U.S.C. Sec. 1396 et seq.).

18 ~~(j) For the purposes of this section, if a county administers public~~
19 ~~social services through more than one county department or agency,~~
20 ~~each county department or agency that administers a public social~~
21 ~~service in that county shall be deemed a county welfare department~~
22 ~~for the purposes of administering that public social service.~~

23 ~~(k)~~
24 (j) (1) Public social services, as defined in Section 10051,
25 includes publicly funded health care services established under
26 this division.

27 (2) *This subdivision clarifies existing law.*